

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

RUDY CHRISTOPHER MARSH,

Plaintiff,

v.

Civil Action No. **3:11CV662**

LIEUTENANT BROOKS, et al.,

Defendants.

MEMORANDUM OPINION

By Memorandum Order entered on October 18, 2011, the Court conditionally docketed Marsh's action. At that time, the Court directed Marsh to affirm his intention to pay the full filing fee by signing and returning a consent to the collection of fees form. The Court warned Marsh that a failure to comply with the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

Marsh has not complied with the order of this Court. Marsh failed to return the consent to collection of fees form. As a result, he does not qualify for in forma pauperis status. Furthermore, he has not paid the statutory filing fee for the instant complaint. See 28 U.S.C. § 1914(a). Such actions demonstrate a willful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

The Clerk is DIRECTED to send a copy of the Memorandum
Opinion to Marsh.

/s/ REP
Robert E. Payne
Senior United States District Judge

Date: January 3, 2012
Richmond, Virginia